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**TITLE 327 WATER POLLUTION CONTROL BOARD****NOTICE OF READOPTION****IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD**

LSA Document #07-553

**READOPTION OF RULES IN TITLE 327 UNDER IC 13-14-9.5****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 327 of the Indiana Administrative Code pursuant to IC 13-14-9.5. IDEM is also noticing supplemental notices to identify rules that may generate specialized interest and, therefore, warrant separate notices. The other rules IDEM is noticing for readoption are listed in LSA Document #07-554 and LSA Document #07-553.

**RULES TO BE READOPTED:** 327 IAC 1-1; 327 IAC 2-2; 327 IAC 2-3; 327 IAC 2-5; 327 IAC 2-6.1; 327 IAC 2-10; 327 IAC 3-1; 327 IAC 3-3; 327 IAC 3-4; 327 IAC 3-5; 327 IAC 4-1; 327 IAC 5-1; 327 IAC 5-1.5; 327 IAC 5-3; 327 IAC 5-5; 327 IAC 5-6; 327 IAC 5-7; 327 IAC 5-9; 327 IAC 5-10; 327 IAC 6.1-1; 327 IAC 6.1-2; 327 IAC 6.1-3; 327 IAC 6.1-4; 327 IAC 6.1-5; 327 IAC 6.1-6; 327 IAC 6.1-7; 327 IAC 8-3; 327 IAC 8-3.2; 327 IAC 8-3.3; 327 IAC 8-3.4; 327 IAC 8-3.5; 327 IAC 8-3.6; 327 IAC 8-4.1; 327 IAC 8-5; 327 IAC 8-10; 327 IAC 15-1; 327 IAC 15-3; 327 IAC 15-5; 327 IAC 15-6; 327 IAC 15-7; 327 IAC 15-8; 327 IAC 15-9; 327 IAC 15-10; 327 IAC 15-11; 327 IAC 15-12.

The foregoing rules are identified by name as follows:

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| <u>327 IAC 1-1</u>   | Provisions Applicable Throughout Title 327   |
| <u>327 IAC 2-2</u>   | Cyanides and Cyanogen Compounds; Drainage into Sewer Systems or Watercourses Prohibited; Exception |
| <u>327 IAC 2-3</u>   | Coal Mines; Restrictions on Acid Drainage and Refuse Deposits into State Waters                    |
| <u>327 IAC 2-5</u>   | Phosphates; Permits for Use by Manufacturers and Processors; Detergents                            |
| <u>327 IAC 2-6.1</u> | Spills; Reporting, Containment, and Response   |
| <u>327 IAC 2-10</u>  | Secondary Containment of Aboveground Storage Tanks Containing Hazardous Materials                  |
| <u>327 IAC 3-1</u>   | General Provisions   |
| <u>327 IAC 3-3</u>   | Approval of Completed Construction   |
| <u>327 IAC 3-4</u>   | Operational Permits; Facilities not Covered by Other Permit Programs                               |
| <u>327 IAC 3-5</u>   | Miscellaneous Administrative Provisions  |
| <u>327 IAC 4-1</u>   | General  |
| <u>327 IAC 5-1</u>   | NPDES and Pretreatment Programs; General Provisions  |
| <u>327 IAC 5-1.5</u> | Definitions  |
| <u>327 IAC 5-3</u>   | Procedures for the Issuance of NPDES Permits   |
| <u>327 IAC 5-5</u>   | NPDES Criteria and Standards for Technology-Based Treatment Requirements                           |
| <u>327 IAC 5-6</u>   | Criteria and Standards for Determining Fundamentally Different Factors                             |
| <u>327 IAC 5-7</u>   | Alternative Thermal Effluent Limitations; Determination  |
| <u>327 IAC 5-9</u>   | Best Management Practices; Establishment   |
| <u>327 IAC 5-10</u>  | Additional Treatment Requirements  |
| <u>327 IAC 6.1-1</u> | General Provisions   |
| <u>327 IAC 6.1-2</u> | Definitions  |
| <u>327 IAC 6.1-3</u> | Land Application; General Requirements   |
| <u>327 IAC 6.1-4</u> | Land Application of Biosolid and Industrial Waste Product  |
| <u>327 IAC 6.1-5</u> | Marketing and Distribution Permit  |
| <u>327 IAC 6.1-6</u> | Notifications  |
| <u>327 IAC 6.1-7</u> | Land Application of Pollutant-Bearing Water  |
| <u>327 IAC 8-3</u>   | Public Water Supply Construction Permits   |
| <u>327 IAC 8-3.2</u> | Technical Standards for Water Mains  |
| <u>327 IAC 8-3.3</u> | Public Water System Quantity Requirement Standards   |
| <u>327 IAC 8-3.4</u> | Public Water System Wells  |
| <u>327 IAC 8-3.5</u> | General Construction Permit for Water Mains  |
| <u>327 IAC 8-3.6</u> | Demonstration of New Public Water Supply System Capacity   |

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| <a href="#">327 IAC 8-4.1</a> | Wellhead Protection   |
| <a href="#">327 IAC 8-5</a>   | Construction of Public Water Supply Systems Under Order of the DEM                |
| <a href="#">327 IAC 8-10</a>  | Cross Connections; Control; Operation   |
| <a href="#">327 IAC 15-1</a>  | General Provisions  |
| <a href="#">327 IAC 15-3</a>  | NOI Letter Requirements   |
| <a href="#">327 IAC 15-5</a>  | Storm Water Run-Off Associated with Construction Activity                         |
| <a href="#">327 IAC 15-6</a>  | Storm Water Discharges Exposed to Industrial Activity                             |
| <a href="#">327 IAC 15-7</a>  | Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities |
| <a href="#">327 IAC 15-8</a>  | Facilities Discharging Noncontact Cooling Water                                   |
| <a href="#">327 IAC 15-9</a>  | Wastewater Discharge Associated with Petroleum Products Terminals                 |
| <a href="#">327 IAC 15-10</a> | Wastewater Discharge Associated with Ground Water Petroleum Remediation Systems   |
| <a href="#">327 IAC 15-11</a> | Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines  |
| <a href="#">327 IAC 15-12</a> | Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations  |

**AUTHORITY:** [IC 13-14-9.5](#).

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

This rulemaking is required pursuant to [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of [IC 13](#) and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under [IC 13-14-9](#), expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2008. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one (1) rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

**STATUTORY AND REGULATORY REQUIREMENTS**

[IC 13-14-9.5-4](#) requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
  - (A) readopt that rule separately from the readoption rule; and
  - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

**REQUEST FOR PUBLIC COMMENTS**

IDEV requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

LSA Document #07-553 [2007 Readoption]  
MaryAnn Stevens  
MC 65-40  
Rules Section  
Office of Water Quality  
Indiana Department of Environmental Management  
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

**COMMENT PERIOD DEADLINE**

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**Indiana Register**

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Comments must be postmarked, hand delivered, or faxed by October 19, 2007.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott  
Assistant Commissioner  
Office of Water Quality

*Posted: 09/19/2007 by Legislative Services Agency*

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